

1. A CLASS F (TRACTOR) VEHICLE, DESCRIBED IN § 13-923 OF THE TRANSPORTATION ARTICLE; OR

2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CLASS E (TRUCK) VEHICLE, AS DESCRIBED IN § 13-916 OF THE TRANSPORTATION ARTICLE, INCLUDING A CLASS E (TRUCK) VEHICLE DESCRIBED IN § 13-919 OF THE TRANSPORTATION ARTICLE.

(II) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO IS AN OWNER OPERATOR OF A VEHICLE REGISTERED AS A CLASS T (TOW TRUCK) VEHICLE UNDER § 13-920 OF THE TRANSPORTATION ARTICLE.

(2) WORK IS NOT COVERED EMPLOYMENT WHEN PERFORMED BY AN OWNER OPERATOR IF THE SECRETARY IS SATISFIED THAT:

(I) THE OWNER OPERATOR AND A MOTOR CARRIER HAVE ENTERED INTO A WRITTEN AGREEMENT THAT IS CURRENTLY IN EFFECT FOR PERMANENT OR TRIP LEASING;

(II) UNDER THE AGREEMENT:

1. THERE IS NO INTENT TO CREATE AN EMPLOYER-EMPLOYEE RELATIONSHIP; AND

2. THE OWNER OPERATOR IS PAID RENTAL COMPENSATION;
AND

(III) FOR FEDERAL TAX PURPOSES, THE OWNER OPERATOR QUALIFIES AS AN INDEPENDENT CONTRACTOR; AND

(IV) THE OWNER OPERATOR:

1. OWNS THE VEHICLE OR HOLDS IT UNDER A BONA FIDE LEASE ARRANGEMENT;

2. IS RESPONSIBLE FOR THE MAINTENANCE OF THE VEHICLE;

3. BEARS THE PRINCIPAL BURDEN OF THE OPERATING COSTS OF THE VEHICLE, INCLUDING FUEL, REPAIRS, SUPPLIES, VEHICLE INSURANCE, AND PERSONAL EXPENSES WHILE THE VEHICLE IS ON THE ROAD;

4. IS RESPONSIBLE FOR SUPPLYING THE NECESSARY PERSONNEL IN CONNECTION WITH THE OPERATION OF THE VEHICLE; AND

5. GENERALLY DETERMINES THE DETAILS AND MEANS OF PERFORMING THE SERVICES UNDER THE AGREEMENT, IN CONFORMANCE WITH REGULATORY REQUIREMENTS, OPERATING PROCEDURES OF THE MOTOR CARRIER, AND SPECIFICATIONS OF THE SHIPPER.

SECTION 2. AND BE IT FURTHER ENACTED, That Section 8-206(f) of the Labor and Employment Article, as enacted by Section 1 of this Act, shall be applied to and interpreted to affect all determinations by the Secretary of Labor, Licensing, and